

FILED BY Whe D.C.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

05 SEP 14 PM 6:10

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
WD OF TN, MEMPHIS

WACHOVIA COMMERCIAL MORTGAGE,
INC., doing business as Wachovia Small
Business Capital, and formerly known as
The Money Store Commercial Mortgage, Inc.

Plaintiff,

v.

Civ. No. 05-2257-MA P

SUN ENTERPRISES, INC., AMIT K. RAY,
and TAPATI RAY,

Defendants.

SCHEDULING ORDER

Pursuant to written notice, a scheduling conference was held Thursday, September 15, 2005. Present were James R. Newsom III and Timothy D. Patterson, counsel for Plaintiff, and Eugene G. Douglass, counsel for Defendants. At the conference, the following dates were established as the final dates for:

INITIAL DISCLOSURES PURSUANT TO Fed.R.Civ.P. 26(a)(1): October 15, 2005;

JOINING PARTIES: November 15, 2005;

AMENDING PLEADINGS: November 15, 2005;

INITIAL MOTIONS TO DISMISS: December 15, 2005;

COMPLETING ALL DISCOVERY: May 15, 2006

-1-

(a) DOCUMENT PRODUCTION: May 15, 2006;

(b) DEPOSITIONS, INTERROGATORIES AND REQUESTS FOR ADMISSIONS:
May 15, 2006;

(c) EXPERT WITNESS DISCLOSURE (Rule 26):

(1) DISCLOSURE OF PLAINTIFF'S RULE 26 EXPERT INFORMATION:
March 15, 2006;

(2) DISCLOSURE OF DEFENDANT'S RULE 26 EXPERT INFORMATION:
April 14, 2006;

(3) EXPERT WITNESS DEPOSITIONS: May 15, 2006;

FILING DISPOSITIVE MOTIONS: June 16, 2006;

OTHER RELEVANT MATTERS:

No depositions may be scheduled to occur after the discovery cutoff date. All motions, requests for admissions, or other filings that require a response must be filed sufficiently in advance of the discovery cutoff date to enable opposing counsel to respond by the time permitted by the Rules prior to that date.

Motions to compel discovery are to be filed and served by the discovery deadline or within 30 days of the default or the service of the response, answer, or objection, which is the subject of the motion, if the default occurs within 30 days of the discovery deadline, unless the time for filing of such motion is extended for good cause shown, or the objection to the default, response, answer, or objection shall be waived.

This case is set for non-jury trial. The pretrial order date, pretrial conference date, and trial date will be set by the presiding judge. It is anticipated that the trial will last approximately 1-2 day(s).

This case is appropriate for ADR. The parties are directed to engage in court-annexed attorney mediation or private mediation before close of discovery.

The parties are reminded that pursuant to Local Rule 11(a)(1)(A), all motions, except motions pursuant to Fed. R. Civ. P. 12, 56, 59, and 60 shall be accompanied by a proposed order.

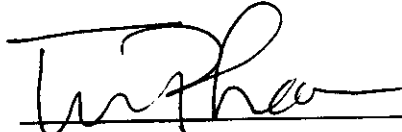
The opposing party may file a response to any motion filed in this matter. Neither party may file an additional reply, however, without leave of the court. If a

party believes that a reply is necessary, it shall file a motion for leave to file a reply accompanied by a memorandum setting forth the reasons for which a reply is required.

At this time, the parties have not given consideration to whether they wish to consent to trial before the magistrate judge. The parties will file a written consent form with the court should they decide to proceed before the magistrate judge.

This order has been entered after consultation with trial counsel pursuant to notice. Absent good cause shown, the scheduling dates set by this order will not be modified or extended.


IT IS SO ORDERED.



TU M. PHAM
United States Magistrate Judge
Date: September 14, 2005

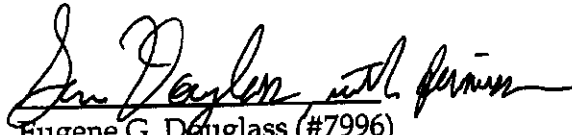
APPROVED FOR ENTRY BY:

HARRIS SHELTON HANOVER WALSH, PLLC



James R. Newsom III (#6683)
Timothy D. Patterson (#22225)
2700 One Commerce Square
Memphis, Tennessee 38103-2555
(901) 525-1455
Attorneys for Plaintiff

DOUGLASS & HOOTS



Eugene G. Douglass (#7996)
2820 Summer Oaks Drive
Bartlett, Tennessee 38134
(901) 388-5804
Attorney for Defendants



Notice of Distribution

This notice confirms a copy of the document docketed as number 13 in case 2:05-CV-02257 was distributed by fax, mail, or direct printing on September 16, 2005 to the parties listed.

Eugene G. Douglass
2820 Summer Oaks Drive
Bartlett, TN 38134

James R. Newsom
HARRIS SHELTON HANOVER WALSH, PLLC.
One Commerce Square
Ste. 2700
Memphis, TN 38103--255

Timothy D. Patterson
HARRIS SHELTON HANOVER WALSH, PLLC.
One Commerce Square
Ste. 2700
Memphis, TN 38103--255

Honorable Samuel Mays
US DISTRICT COURT